

**FINAL REPORT
OF THE
INTERIM STUDY COMMITTEE ON
EDUCATIONAL ACHIEVEMENT ISSUES**



**Indiana Legislative Services Agency
200 W. Washington Street, Suite 301
Indianapolis, Indiana 46204**

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A copy of this report is available on the Internet. Reports, minutes, and notices are organized by committee. This report and other documents for this Committee can be accessed from the General Assembly Homepage at <http://www.state.in.us/legislative/>.

I. LEGISLATIVE COUNCIL DIRECTIVE

The Legislative Council directed the Committee to study the following topics:

- A. Superior academic achievement (SB 187, HB 1861).
- B. Educational achievement gaps (HR 101).
- C. Administrative rules for preschools (SCR 4).
- D. Students excluded from school without being expelled (SB 36, SB 366).

II. SUMMARY OF WORK PROGRAM

The Committee met six times during the 2003 interim.

On July 30, 2003, and August 26, 2003, the Committee discussed and heard testimony on the following items:

- (1) Senate Concurrent Resolution No. 4 concerning administrative rules for preschools.
- (2) SB 36 concerning students excluded from school without being expelled.

On September 9, 2003, the Committee discussed and heard testimony on the educational achievement gap.

On October 21, 2003, the Committee continued discussion of administrative rules for preschools and students excluded from school without being expelled. The committee adopted a bill draft based on SB 36 from the 2003 legislative session to be introduced in the 2004 legislative session to the General Assembly.

On October 29, 2003, the Committee continued discussion of administrative rules for preschools and the educational achievement gap.

On November 18, 2003, the Committee continued discussion of the educational achievement gap. The Committee determined their findings and recommendations and approved the final report.

III. SUMMARY OF TESTIMONY

The Committee heard testimony on the following topics:

1. SCR 4 Administrative Rules for Preschools

Terry Spradlin, Indiana Department of Education (DOE), provided information concerning Indiana's P-16 Plan for Improving Student Achievement and the Education Roundtable's Forum concerning Early Learning and School Readiness. He explained that DOE is not responsible for daycare or preschool activities except special education.

Claire Anderson, Children's Bureau, explained the investigative process for abused children.

Keith Carter, Bureau of Child Development, Family and Social Services Administration (FSSA), spoke on licensing childcare centers and the license exemptions for preschools. He stated that it would require \$321,350 to staff and license 500 preschools.

2. Students Excluded from School Without Being Expelled

Gaylon Nettles, State Attendance Officer, DOE informed the Committee that based on state law that has been upheld by the Indiana Supreme Court, a principal may remove a child immediately if the child is disrupting the operation of school.

Dr. Vicki Markavitch, Penn-Harris-Madison School Corporation, discussed the effectiveness of the expulsion and truancy prevention program in her school corporation.

Judge Peter Nemeth, St. Joseph Probate Court, told the Committee that he has had a long-standing relationship with the school corporation and explained the two different programs in St. Joseph County. The first program involves children under the age of 11 who are truant. These children are referred through a Child in Need of Services (CHINS) hearing. The second program involves children over the age of 11. These children are put on probation through a court order and if the probationary program is not successful, the child is sentenced to detention. Judge Nemeth further stated that at the high school level, the probation officer program, funded by the school corporation, where a probation officer worked on site at Penn High School, resulted in a dramatic decline in expulsion and truancy, and that teachers were disappointed to lose the probation officer due to funding issues. He also explained that the program kept children out of court. Those expelled are eligible for an alternative program currently under study. He stated that it has worked academically and will seek funding if it proves to be successful. He commented that these problems stem from parents and that if parents will measure up then children will measure up. Lastly, Judge Nemeth stated that it is cheaper and easier to prevent these problems.

Cynthia Evans, Kokomo Center-Township, discussed the Kokomo-Center Schools/Howard County Juvenile Division Programs, the Juvenile Drug Court Program for youth with addiction problems and the Virtual Alternative School Program for at risk students who have a previous history of expulsion or suspension for substance abuse and/or truancy. She stated that these programs are being funded through a grant from the Criminal Justice Institute. Dr. Thomas Little, Kokomo Center-Township, stated that the programs work well because of the sharing of information between agencies and the collective effort of all involved for the benefit of at risk children.

Dr. Ken Bled, Laporte Community School Corporation, stated that they have an extensive group of services from preschool through high school to help at risk children in LaPorte County and distributed a handout that illustrated the services. Dr. Bled spoke about a special program called

Project Extended Day (Project ED) that has had dramatic success in middle school and high school in decreasing the number of expulsions by two-thirds.

Judge Lang, School Judge and Probate Commissioner, commented on how the courts and schools are working together on Project ED. She stated Project ED is an alternative to out of school suspension for middle and high school students. She stated that the students attend school from 6:00 a.m. to 6:00 p.m. where they are monitored carefully with activities in the morning, classes, help with homework, and counseling. She stated that the program has been successful in lowering the suspension and expulsion rates because the students in LaPorte know this program exists and they don't want to be a part of it. She also commented on the truancy program in the elementary school and how CHINS is used as a last resort.

Dr. Ken Hull, Western Boone County, works with Circuit Court Judge Steve David on the Out of School Suspension Program in Boone County. He stated that when a student has violated a school rule or code that requires a suspension, the student is ordered to appear before Judge David the next morning with his parents. He explained the judge asks how the parents will provide for the student's education while under suspension, and generally the answer is that it is not possible. In those cases, the judge assigns the student to the alternative program. Dr. Hull stated that statistics show that the program works.

Dr. Peggy Hinckley, MSD Warren Township, stated that schools have no statutory authority to make parents put students in alternative schools prior to adjudication and there is a need to look at this situation.

Dr. Chalker, MSD Warren Township, explained the services that the school corporation provides for students, which include regular school interventions and the Renaissance School. He also commented that increased partnerships with probation officers stem the tide of criminal activity, drug distribution, and misbehavior. He also stated that they try to establish relationships with families and get them involved.

Amy Cook-Lurvey, Statewide Coalition for Hoosiers with Disabilities, recapped last year's bills to address legal problems and discussed her concerns for future legislation.

Roger Thornton, IN Association of School Superintendents, addressed the need to be proactive in resolving behavioral and attendance problems and he stated his support for the Committee's efforts.

3. The Educational Achievement Gap

Dr. Suellen Reed, Superintendent, DOE, gave a status report on progress involving the education achievement gap and discussed meetings of the Education Roundtable involving the recent "No Child Left Behind" legislation.

Terry Spradlin, DOE, gave the Committee a status report on the current student population in Indiana and certain specific education achievement indicators.

Wes Bruce, Assistant Superintendent, DOE, discussed ISTEP scores and gaps in achievement between minority and white students. Mr. Bruce and Gary Wallyn, DOE, described the DOE website, www.doe.state.in.us, that allows individuals to obtain achievement information by school building and school corporation. Mr. Spradlin and Mr. Bruce shared information on the following topics:

- Special education funding weight for exceptionality and severity.
- Which exceptionalities are included in these statistics.
- Learning disability students and a comparison of their ISTEP results.
- Correlation between these statistics and the recent Indiana University analysis.
- Parent’s educational achievement as a funding indicator.
- Possible correlation between teacher experience and ISTEP scores.

Dr. Valerie Lee, Professor of Education from the University of Michigan, shared information from her book, Inequality at the Starting Gate, involving educational achievement gaps and educational equity. Some of Dr. Lee’s findings were as follows:

- (1) Socioeconomic status (SES) is strongly related to one’s cognitive skills. SES accounts for more of the unique variation in cognitive scores than any other factor by far.
- (2) There are substantial differences by race or ethnicity in children’s test scores as they begin kindergarten. Before even entering kindergarten, the average cognitive scores of children in the highest SES group are 60% above the scores of the lowest SES group. Average math achievement is 21% lower for blacks than for whites and 19% lower for Hispanics.
- (3) Family structure and educational expectations have important associations with SES, race or ethnicity, and test scores, but much smaller than either race or SES.
- (4) Low-SES children tend to begin school at kindergarten in schools that have fewer resources and opportunities. In response to a question on what makes a high quality school, Dr. Lee pointed to several factors that were considered in her book: average academic skill level, diversity of academic skill level, average SES, diversity of SES, kindergarten class size, general school and parent outreach, kindergarten transition outreach, teachers’ preparation, teachers’ experience, teachers’ collective responsibility, teachers’ professional community, good vs. bad conditions near the school, public or private. She added that while not everyone would agree with all the factors, there would probably be a consensus with anyone on half of them.

Dr. Eileen Champagne, Principal of Washington Community School, discussed the structure and organization of the Washington Community School. She also commented on the differing needs of children in different neighborhoods. Dr. Champagne also noted the benefits of community schools.

Jackie Garvey, Executive Director of the Indiana Center for Family, School and Community Partnerships (FSCP), discussed the effect of parent involvement on the achievement gap. She spoke about the differences between the parents' perspective on the achievement gap, and teachers' and administrators' perspectives on this same issue.

Betty Ayres, Indiana Staff Development Leadership Council, discussed the approaches that are being taken to address these achievement gaps and commented on the research done by the council on high-poverty, high-achieving schools. Ms. Ayres also gave many recommendations on what type of professional development should be undertaken by teachers and principals to better prepare them for the task of closing the achievement gap.

Claudia Wheatley, Indiana Staff Development Leadership Council, reiterated the need for further professional development approaches to help teachers and principals close these achievement gaps.

Dr. Jacqueline Blackwell, President of the Association for Childhood Education International, discussed the different possible approaches to closing the achievement gap, and implementing the Leave No Child Behind Act.

Doug Williams, Superintendent of Perry Township Schools, commented that closing the gap will require changes in the way schools are funded, the way children are dealt with from birth to age 5, and the way students are dealt with once they enter school. Dr. Williams encouraged the Committee to fund early education programs first and fully and to adopt the P-16 Plan for improving student achievement offered by the Education Roundtable.

Dr. Lowell Rose, Indiana Urban School Association, discussed (1) the effect of special education on achieving the Adequate Yearly Progress (AYP) requirements; (2) the reasons for complying with the No Child Left Behind Act; (3) other states' approaches to implementation of the No Child Left Behind Act.

Chairman Porter presented a proposed bill draft concerning eliminating the achievement gap. He discussed the following topics included in the bill draft: cultural competence, teacher training and professional development, parental participation, collaborative school and community environments, Smart Start, Head Start, and reading literacy grant programs. There was committee discussion that included the following issues: (a) the fiscal impact of the programs in the bill draft, (b) the impact of the Education Roundtable's P-16 Plan, (c) the state budget, and (d) community and parent involvement in the education of students.

Amy Cook Lurvey, Council of Volunteers and Organizations for Hoosiers with Disabilities, shared her views on early intervention and urged the committee to address the issues associated with early childhood education and to align the committee's goals with the goals of the Education Roundtable's P-16 Plan.

Terry Spradlin, DOE, advised the committee that there is a parental participation guide that the

DOE has distributed to all school corporations. He also stated that the DOE annually distributes \$3.7 million for the reading grant program.

The following topics were also discussed concerning the bill draft on eliminating the achievement gap: (1) a proposed amendment concerning the Smart Start program that would include test score data on the same set of students as they progressed from grade to grade in order to measure the success of the program, and (2) a proposed amendment concerning the Smart Start program to include comparison test score data on similarly situated schools that do not have a Smart Start program.

A revised version of the bill draft concerning eliminating the achievement gap presented by Chairman Porter focused on cultural competency and set forth teacher training, professional development, and school plan requirements for achieving cultural competency.

IV. COMMITTEE FINDINGS AND RECOMMENDATIONS

The Committee made the following findings of fact:

Administrative Rules for Preschool:

The Committee determined that it would defer to the findings and recommendations of the Board For The Coordination of Child Care Regulation on the issue of preschool administrative rules.

The Committee made the following recommendations:

Students Excluded From School Without Being Expelled:

The Committee recommends the bill draft based on SB 36 from the 2003 legislative session for consideration by the General Assembly. The motion to recommend was approved by the Committee by voice vote. The bill draft provides for the following:

The establishment of a voluntary agreement for court assisted resolution of suspension and expulsion cases between a court having juvenile jurisdiction and a school corporation.

Under the voluntary agreement, the school corporation may refer a student who has been suspended or expelled to a court, which shall either supervise the student or order the supervision of the student.

The court and the school corporation may jointly determine which violations leading to suspension or expulsion are eligible for referral to the court; however, if a voluntary agreement exists, a student who has been suspended or expelled for truancy must be

referred to the court.

The school corporation and the court shall determine how the costs of supervising a student under the voluntary agreement shall be paid.

The school corporation may disclose the education records of a student who has been suspended or expelled to a court as allowed under the federal Family Educational Rights and Privacy Act.

The Educational Achievement Gap:

The Committee recommends the proposed bill draft concerning cultural competency for consideration by the General Assembly. The motion to recommend was approved by the Committee by voice vote. The bill draft provides for the following:

The establishment of a school committee to develop a strategic and continuous school improvement and achievement plan under IC 20-10.2-3.

The professional standards board, in consultation with the DOE, shall:

- (1) develop guidelines for use by accredited teacher training institutions and departments in preparing individuals to teach in various environments; and
- (2) develop and make available to school corporations materials that assist teachers, administrators, and staff in a school in developing cultural competency for use in providing professional and staff development programs.

WITNESS LIST

Claire Anderson, Children's Bureau
Betty Ayres, Indiana Staff Development Leadership Council
Dr. Ken Bled, LaPorte Community School Corporation
Wes Bruce, DOE
Keith Carter, Bureau of Child Development, FSSA
Dr. Chris Chalker, MSD Warren Township
Dr. Eileen Champagne, Principal of Washington Community School
Amy Cook Lurvey, Council of Volunteers and Organizations for Hoosiers with Disabilities
Cynthia Evans, Kokomo Center-Township
Jackie Garvey, Executive Director, (FSCP)
Dr. Peggy Hinckley, MSD Warren Township
Dr. Ken Hull, Western Boone County
Judge Lang, School Judge and Probate Commissioner, LaPorte
Dr. Valerie Lee, Professor of Education, University of Michigan
Dr. Thomas Little, Kokomo Center-Township
Dr. Vicki Markavitch, Penn-Harris-Madison School Corporation
Judge Peter Nemeth, St. Joseph County Probate Court
Gaylon Nettles, State Attendance Officer, Indiana Department of Education
Dr. Suellen Reed, Superintendent, DOE
Dr. Lowell Rose, Indiana Urban School Association
Terry Spradlin, Legislative Liaison, Indiana Department of Education
Roger Thornton, Indiana Association of School Superintendents
Gary Wallyn, DOE
Claudia Wheatley, Indiana Staff Development Leadership Council
Doug Williams, Superintendent of Perry Township Schools